

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re: Equifax, Inc. Customer
Data Security Breach Litigation

This document relates to:

ALL CASES

MDL Docket No. 2800
No. 1:17-md-2800-TWT

Chief Judge Thomas W. Thrash, Jr.

CASE MANAGEMENT ORDER NO. 5

On March 23, 2018, the Court entered Case Management Order No. 3 (Doc. No. 248) and on April 4, 2018, the Court entered a Scheduling Order (Doc. No. 260), governing various matters in this multidistrict proceeding, including briefing schedules for Motions to Dismiss the consolidated complaints in the Consumer Track and Financial Institution Track. On May 14, 2018, Plaintiffs filed a “Consolidated Class Action Complaint for Small Business Claims” (the “Small Business Complaint”) in addition to a Consolidated Consumer Class Action Complaint. Doc. No. 375. No briefing schedule has been set as to the Small Business Complaint.

In addition, certain motions to remand to state court, as well as another miscellaneous motion, were recently filed that were not addressed by Case

Management Order No. 3, the Scheduling Order, or any other Case Management Order. The Court stayed briefing deadlines on these motions to remand and miscellaneous motion and directed the Parties to submit a proposed Case Management Order to uniformly govern the resolution of such motions. Doc. No. 382.

Based on the agreement of counsel, and for good cause shown, the Court enters the following Case Management Order No 5:

(1) Briefing Schedule related to the Small Business Complaint.

The Court directs that Defendants' Rule 12(b) Motion directed to the Small Business Complaint, as well as responses and replies, be filed on the following schedule:

<u>Event</u>	<u>Due Date</u>
Rule 12(b) motion	July 30, 2018
Plaintiffs' opposition	September 13, 2018
Defendants' reply	October 15, 2018

(2) Briefing on Motions to Remand.

There are currently five cases in which motions to remand were pending at the time of transfer by the MDL, as well as two cases in which Plaintiffs have filed

renewed motions to remand with this Court, *see* Doc. No. 350. In order to ensure efficient and consistent treatment of such motions, the Court sets the following briefing schedule for motions to remand to state court:

<u>Event</u>	<u>Date</u>
Any Plaintiff desiring to move forward with a motion to remand originally filed in a transferor court must file a renewed motion to remand with this Court (if the plaintiff has not already done so).	September 6, 2018
Defendants shall file a response to any renewed motions to remand.	October 22, 2018
Plaintiffs that have filed renewed motions to remand may file a reply in support of such motions.	November 21, 2018

The Court will then schedule hearings on remand motions as it deems appropriate.

(3) **Other Motions.**

Case Management Order No. 1 specified that no motion shall be filed under Rules 11, 12, or 56 without leave of court and unless it includes a certificate that the movant has conferred with opposing counsel in a good faith effort to resolve the matter without court action. Doc. No. 23 at 5. This requirement is now expanded to apply to all motions not otherwise permitted by a case management order entered by

this Court. Should any party wish to file a motion not otherwise contemplated by a case management order, the party must file a notice with the Court explaining the basis for the motion, the efforts taken to resolve that motion without judicial intervention, and the remaining disagreements between the Parties. At the first status conference following the filing of the notice, counsel for Lead Plaintiffs and counsel for Defendants shall present a proposed briefing schedule for any such motions for the Court's consideration. These requirements shall apply to any future motions in this action and shall control over any deadlines set forth in the Local Rules.

For the "Motion for Attorney's Fees" filed in *Casper v. Equifax Inc.*, No. 1:18-cv-1511-TWT, which was filed prior to this case management order, the Court directs Defendants to respond on or before July 11, 2018. Plaintiff shall then have until August 3, 2018 to file any reply.

(4) ESI Disclosures.

Case Management Order No. 4 (Doc. No. 261) ("CMO 4") sets forth various deadlines related to ESI Disclosures. On May 16, 2018, Defendants served the ESI Disclosures required under Section III.A.1-5 of CMO 4. The Parties request additional time to satisfy their outstanding ESI obligations under CMO 4. It is therefore ordered that on or before August 15, 2018: (i) Consumer and Financial Institution Plaintiffs will serve the ESI Disclosures required under Section III.A.1-5

of CMO 4; (ii) the Parties will exchange the list of custodians and other custodial information required to be disclosed under Section III of CMO 4; and (iii) the Parties will negotiate a protocol setting forth the technical specifications for the production of hard copy documents and electronically stored information, as required under Section II.C of CMO 4.

Respectfully submitted by:

Dated: May 31, 2018

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SO ORDERED, this 11th day of June, 2018.

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